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09/585,263	06/02/2000	Donald F. Gordon	SEDN/070CIP4	5643

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,263

Applicant(s)

GORDON ET AL.

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,7-10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 3, 2006 have been fully considered but they are not persuasive.

Regarding the 35 U.S.C 102(e) and 103(a) rejections of claims 1, 2, 5, 7, 8, 9, 10, 13, and 14, applicant's sole argument regards the claimed generation of bitmaps for the channel information windows, asserting that Ellis teaches generation of the channel information window bitmaps at the client terminal and not the headend, emphasizing that the windows or bitmaps for the windows are not generated or encoded at the headend (applicant's remarks, page 7 first paragraph; page 9 third paragraph; and page 11 second paragraph).

In response, as cited in each rejection of the disputed claims, Ellis teaches that bitmaps for the channel information windows are a downloaded data type (col. 6, lines 28-44) "...the microcontroller 16 takes the program schedule information stored in the DRAM 18 and, in conjunction with other downloaded data types such as stored bit maps for the screen configuration and the graphic symbol or logo displays storing the non-volatile memory 20...", wherein said downloaded data originates from the data provider which provides both the broadcast programming and the program schedule information (col. 4, lines 55-67). Therefore the headend generates the bit map data and encodes the bit map data in order to transmit it to the set top terminal for use in displaying on screen overlays of programming information. The bit map data is a channel information

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window because they are screen configurations, as shown, for example, in figs. 11A-13C, wherein the channel information window is the rectangular delineated portion shown overlain in the bottom half of the display area.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (5,986,650, of record) [Ellis].

Regarding claim 1, Ellis discloses a method comprising:

generating, at a headend, at least one bitmap for a channel information window (the downloaded and stored bit maps for screen configurations, col. 6, lines 28-37, part of input signal 11, col. 4, lines 55-67);

encoding, at the headend, a broadcast video presentation and the bitmap for the channel information window (the broadcast video and channel information are prepared for transmission by the data provider, which transmits the information to the receiver, col. 4 line 55 – col. 5 line 11), the broadcast video

presentation being programming from one of a plurality of channels (the broadcast video is standard television programming);

transmitting, from the headend to a set top terminal, the broadcast video presentation and the bitmap for the channel information window (the broadcasts include program guide data, col. 4, lines 55-67 which includes the bitmaps of the channel information windows shown in figs. 5A-5C and figs. 11A-13C, col. 6, lines 28-44);

receiving at the set top terminal a signal to activate the channel information window (col. 9 line 62 – col. 10 line 11);

decoding, at the set top terminal, the broadcast video presentation and the bitmap for the channel information window (col. 5, lines 11-16, wherein the receiver extracts the video programming and the associated program guide data from the received channels); and

compositing, at the set top terminal, the bitmap for the channel information window and the broadcast video presentation to produce a video stream for a display so that the channel information window overlays and obscures a portion of the broadcast video presentation on the display (as shown in figs. 5A-5C, col. 6, lines 45-61).

Regarding claim 2, Ellis and Hoarty disclose the method of claim 1, wherein transmitting the bitmap for the channel information window is performed via an out of band channel (Ellis teaches the scheduling information is

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downloaded to the receiver using any known transmission means, including OOB channels, col. 5, lines 1-10).

Regarding claim 5, Ellis discloses a method comprising:

generating, at a headend, a plurality of bitmaps for each of a plurality of channel information windows (the downloaded bit maps, col. 6, lines 28-37, received from the data provider, col. 4, lines 55-67);

encoding, at the headend, a plurality of broadcast video displays and the channel information windows (the broadcast video and channel information are prepared for transmission by the data provider, which transmits the information to the receiver, col. 4 line 55 – col. 5 line 11), the broadcast video displays including a particular broadcast video display, each broadcast video display being programming from one of a plurality channels (the method takes place in a standard cable broadcast system, col. 4, lines 55-67), the channel information windows including information about the channels (shown in figs. 11A-13C);

transmitting, from the headend to the set top terminal, the broadcast video displays and the channel information windows (the broadcasts include program guide data, col. 4, lines 55- 67 which includes the bitmaps of the channel information windows shown in figs. 5A-5C and figs. 11A-13C, col. 6, lines 28-44);

compositing, at the set top terminal, the particular broadcast video display and an associated one of the channel information windows to produce a video stream for a display so that the channel information window overlays and

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obscures a portion of the particular broadcast video display (as shown in figs. 5A-5C, col. 6, lines 45-61); and

changing, at the set top terminal, the channel information window in response to a navigation command, while the particular broadcast video display remains the same (BROWSE mode, col. 12, lines 20-43).

Regarding claim 8, Ellis discloses the method of claim 5, wherein the navigation command in that mode navigates only through favorite channels (col. 17, lines 7-20, wherein users browse through channel listings according to a preferred category).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Hoarty (5,485,197, of record).

Regarding claim 7, Ellis disclose the method of claim 5, including changing the particular broadcast video display to a new broadcast video display upon termination of the navigation command in that mode (by pressing "ENTER", and then the "MODE" key twice, col. 13, lines 1-18), but fails to disclose changing

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the particular broadcast video display is accomplished by generating, encoding, and transmitting video packet streams at the headend.

In an analogous art, Hoarty teaches a video distribution system (fig. 3) wherein changing a particular broadcast video display is accomplished by generating, encoding, and transmitting video packet streams at the headend (col. 7, lines 35-65, col. 8, lines 40-49, and col. 12, lines 15-32, wherein a particular user is allocated a particular frequency channel in order to access a very wide range of services; and a channel change command changes the content supplied on the "virtual" channel), for the benefit of providing a wide range of services to users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis to include said changing of the particular broadcast video display is accomplished by generating, encoding, and transmitting video packet streams at the headend, as taught by Hoarty, for the benefit of providing a wider range of services to users than would be possible given the finite amount of available bandwidth over a distribution medium.

6. Claims 9, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Bolanos et al. (5,793,364, of record) [Bolanos].

Regarding claims 9 and 10, Ellis discloses a method comprising:

generating, at a headend, a broadcast video presentation (the channels of video programming being provided to the receiver shown in fig. 1) and bitmaps

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for a channel information window (the downloaded and stored bit maps for screen configurations, col. 6, lines 28-37, part of input signal 11, col. 4, lines 55-67), the broadcast video presentation being programming from one of a plurality of channels (the broadcast video is standard television programming);

encoding, at the headend, the broadcast video presentation and the bitmap for the channel information window (the broadcast video and channel information are prepared for transmission by the data provider, which transmits the information to the receiver, col. 4 line 55 – col. 5 line 11);

transmitting, from the headend to a set top terminal, the broadcast video presentation and the bitmap for the channel information window (the broadcasts include program guide data, col. 4, lines 55-67 which includes the bitmaps of the channel information windows shown in figs. 5A-5C and figs. 11A-13C, col. 6, lines 28-44);

decoding, at the set top terminal, the broadcast video presentation and the bitmap for the channel information window (col. 5, lines 11-16, wherein the receiver extracts the video programming and the associated program guide data from the received channels); and

compositing, at the terminal, the bitmap for the channel information window and the broadcast video presentation to produce a video stream for a display so that the channel information window overlays and obscures a portion of the broadcast video presentation in the video stream (as shown in figs. 5A-5C, col. 6, lines 45-61).

Ellis fails to disclose receiving at the headend from the terminal, a signal to active the channel information window.

In an analogous art, Bolanos teaches downloading graphics for a user interface on demand (col. 3, lines 24-32), for the benefit of not having to repeatedly transmit the user interface graphics.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis to include downloading graphics for the user interface on demand [in response to an activation signal], as taught by Bolanos, for the benefit of not having to repeatedly transmit the channel information window bitmap.

Regarding claim 13, Ellis discloses the method of claim 1, but fails to disclose requesting, by the set top terminal from the headend, the bitmap for the channel information window in response to the signal to activate the channel information window.

In an analogous art, Bolanos teaches downloading graphics for a user interface on demand (col. 3, lines 24-32), for the benefit of not having to repeatedly transmit the user interface graphics.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis to include downloading the graphics for the user interface on demand, as taught by Bolanos, for the benefit of not having to repeatedly transmit the channel information window bitmap.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of MacInnis (5,951,639, of record).

Regarding claim 14, Ellis discloses the method of claim 1, wherein the set top terminal causes the channel information window to overlay the broadcast video presentation in response to the signal to activate the channel activation window (col. 9, lines 1-18) but fails to disclose the bitmap for the channel information window is broadcast continually.

In an analogous art, MacInnis teaches a method for downloading data wherein the data is broadcast continually (col. 4, lines 20-41), for the benefit of alleviating the need to request the data from a source (col. 4, lines 38-41).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Ellis to include broadcasting the data continually, as taught by MacInnis, for the benefit of alleviating the need to request the channel information window from the headend.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shoff et al. (5,900,905), who teach downloading bitmaps of channel information windows to overlay over a broadcast video presentation from a head end (see col. 7 line 40 – col. 9 line 25).

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9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



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